

REMARKS

The Applicant does not believe that examination of the foregoing amendment will result in the introduction of new matter into the present application for invention.

Therefore, the Applicant, respectfully, requests that the above amendment be entered in and that the claims to the present application, kindly, be reconsidered.

The Examiner objects to the specification for not including headings. The Examiner refers to 37CFR 1.77(b), the Applicant, respectfully, asserts that 37 CFR 1.77(b) does not require that the various sections of the specification to a utility application have a section heading. The only requirement is that the sections appear in a particular order. Accordingly, the Applicant, respectfully, declines to make the modification suggested by the Examiner because it is not necessary.

The Office Action dated August 2, 2004 has been received and considered by the Applicants. Claims 1-6 are pending in the present application for invention. Claims 1-6 are rejected by the August 2, 2004 Office Action.

The Office Action rejects Claims 1-6 under the provisions of 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,212,574 issued to O'Rourke et al. (hereinafter referred to as O'Rourke et al.).

The Examiner making the rejection with regard to Claim 1, states that O'Rourke et al. teaches in an audio apparatus a method of controlling an arrangement of a plurality of hardware components. The Examiner's position is that the kernel mode filters taught by O'Rourke et al. are hardware components. This is clearly not true. The kernel mode filters taught by O'Rourke et al. are software components and part of the operating system kernel. The proxy filters of O'Rourke et al. are also software components. The Applicant, respectfully, points out that the "pins" discussed on column 12, lines 2-9 of O'Rourke et al. are software constructs. The Applicant draws the Examiner's attention to column 4, lines 4-9 of O'Rourke et al. wherein it is clearly stated that the kernel mode filter is part of the operating system. The Applicant, respectfully, submits the cited prior art reference O'Rourke et al. is not on point with the subject matter defined by the rejected claims. Accordingly, this rejection is traversed.

The Examiner making the rejection with regard to Claim 2, states that O'Rourke

et al. teach that the data channels (pin connections) between the sub-modules (proxy filters) are adapted in conformity with the dynamic changing of the signal leads (pin connections) between the hardware components (kernel mode filters). As stated above the proxy and kernel filters of software components and the pins are software constructs as taught by O'Rourke et al. Accordingly, this rejection is traversed.

Regarding Claims 3 and 4, these claims depend from Claim 1; which as previously discussed is believed to be allowable. Therefore, Claims 3 and 4 are also believed to be allowable.

The rejection to Claims 5 and 6 is traversed for the above stated reasons related to Claim 1.

The Office Action rejects Claims 1 and 3-6 under the provisions of 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,386,568 issued to Wold et al. (hereinafter referred to as Wold et al.).

The Examiner making the rejection states that Wold et al. teach the subject matter defined by the rejected claims. The Applicant, respectfully, disagrees. The rejected claim defines subject matter for "a plurality of hardware components, at least some of which are coupled to one another via signal leads, and also a data processing unit which serves to control the hardware components and in which a computer program can be executed, characterized in that the computer program comprises sub-modules which correspond to the hardware components and are connected via data channels in conformity with the real signal leads between the hardware components." The Examiner has cited various passages from Wold et al. and made the assertion that the subject matter defined by the rejected claims lies within those passages. The Applicant, respectfully, asserts that the subject matter defined by the rejected claims is not disclosed or suggested by Wold et al.

The Applicant, respectfully, requests that the Examiner indicate, preferably by reference numeral, where within Wold et al. the subject matter for computer program comprising sub-modules which correspond to the hardware components can be found. The Examiner has indicated that this subject matter is found col. 11, lines 2-5 and col. 4, lines 65-67. The Applicant does not concur. Col. 11, lines 2-5 of Wold et al. mentions an software functions. Col. 4, lines 65-67 of Wold et al. simply states that

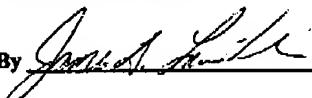
interconnections can be made with software modules. There is no disclosure or suggestion for a computer program comprising sub-modules which correspond to the hardware components within Wold et al. Therefore, this rejection is, respectfully, traversed.

The foregoing amendment adds new Claims 7-11 that define subject matter discussed on page 4, lines 2-32 of the specification to the present invention. Accordingly, the addition of new Claims 7-11 does not result in the introduction of new matter into the present application for invention. New Claims 7-11 define subject matter that is not disclosed or suggested in the cited prior art references, therefore, new Claim 7-11 are believed to be allowable.

Applicant is not aware of any additional patents, publications, or other information not previously submitted to the Patent and Trademark Office which would be required under 37 C.F.R. 1.99.

In view of the foregoing amendment and remarks, the Applicant believes that the present application is in condition for allowance, with such allowance being, respectfully, requested.

Respectfully submitted,

By 

James D. Leimbach, Reg. 34,374
Patent Attorney (585) 381-9983

CERTIFICATE OF TRANSMISSION

I hereby certify that this correspondence
is being transmitted on this date via
facsimile transmission to (703) 872-9306 AND addressed to:

COMMISSIONER OF PATENTS

P.O. Box 1450

Alexandria, VA 22313-1450

Date of Transmission: December 2, 2004



(Signature)